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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,261	03/18/2004	Ingvar Berndt Erik Klerelid	031039/275804	5392

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CHARLOTTE, NC 28280-4000

EXAMINER
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FORTUNA, JOSE A

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,261

Applicant(s)

KLRELID ET AL.

Examiner

José A. Fortuna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                  |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/04/03/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto et al., US Patent No. 6,183,601 in view of Svanqvist et al., US Patent No. 5,738,760.

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Regarding claims 1-4, 10-12, 14-15 and 18, Otto et al. teach a method and apparatus in which a fibrous web is throughdried 36, on-machine calendered 90, and then transferred to a transfer fabric 60, using a separating device, 70. Otto et al. fail to teach a non-contacting support to transfer the web to the reel. However, Svanqvist et al. teaches a non-contacting system to support a web from the drier to reel-up, see abstract. Svanqvist et al. teach that the reliability of the system is comparable to the one obtained with a closed draw, but with a tail threading improvement, column 2, lines 20-25. Svanqvist et al. teach that the web is supported with pressurized air extending from one device to the receiving other, column 2, lines 25-45. Other advantage of the system is that minimizes web break, which increases the drying end efficiency, column 2, lines 62-66. Also, Svanqvist et al. teach that another advantage of the system is that the web can be calendered, between the drier and the reel up, without the use of belt, column 4, lines 34-40. Therefore, using the transfer system taught by Svanqvist et al. in the throughdrying system taught by Otto et al. would have been obvious to one of ordinary skill in the art in order to obtain the advantages discussed above. Moreover, one of ordinary skill in the art would recognize that the transferring system of the secondary reference is a known alternative transferring system and one of ordinary skill in the art would have reasonably expectation of success if one system were replaced by the other. It has been held that “[W]here two equivalents are interchangeable for their desired function, substitution would have been obvious and thus, express suggestion of desirability of the substitution of one for the other is unnecessary.” In re Fout 675 F. 2d 297, 213 USPQ 532 (CCPA 1982); In re Siebentritt, 372 F.2d 566, 152 USPQ 618 (CCPA 1967).

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Regarding claims 5-9, 13, 16-17 and 19-20, Otto et al. teach a suction device 42 which transfer the throughdried web from the throughdrier to the transferring belt 60. The suction device is further explained in column 5, lines 6-18 and 33-40. Note that the claimed suction device is well known in the art and its use would have been obvious to one of ordinary skill in the art absent a showing of unexpected results.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto et al., US Patent No. 6,183,601 in view of Hultcrantz et al., US Patent No. 6,325,896.

Regarding claims 1-4, 10-12, 14-15 and 18, Otto et al. teach a method and apparatus in which a fibrous web is throughdried 36, on-machine calendered 90, and then transferred to a transfer fabric 60, using a separating device, 70. Otto et al. fail to teach a non-contacting support to transfer the web to the reel. However, Hultcrantz et al. teach a non-contacting system to support a web from one location to another in a papermaking machine, see abstract. Hultcrantz et al. teach that the reliability of the system is comparable to the one obtained with a closed draw, but with a tail threading and dust reduction improvements column 3, line 66 through column 4, line 63. Hultcrantz et al. teach that the web is supported with an airfoil extending from one device to the receiving other, column 4, lines 22-36. Also, Hultcrantz et al. teach that another advantage of the system is that the web can be calendered, between the drier and the reel up, without the use of a calendering belt, figure 1 and column 5, lines 16-67. Therefore, using the transfer system taught by Hultcrantz et al. in the throughdrying system taught by Otto et al. would have been obvious to one of ordinary skill in the art in order to obtain the advantages discussed above. Moreover, one of ordinary skill in the art would recognize that the transferring system of the secondary reference is a known alternative transferring system and one of ordinary

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skill in the art would have reasonably expectation of success if one system were replaced by the other. It has been held that “[W]here two equivalents are interchangeable for their desired function, substitution would have been obvious and thus, express suggestion of desirability of the substitution of one for the other is unnecessary.” In re Fout 675 F. 2d 297, 213 USPQ 532 (CCPA 1982); In re Siebentritt, 372 F.2d 566, 152 USPQ 618 (CCPA 1967).

Regarding claims 5-9, 13, 16-17 and 19-20, Otto et al. teach a suction device 42 which transfer the throughdried web from the throughdrier to the transferring belt 60. The suction device is further explained in column 5, lines 6-18 and 33-40. Note that the claimed suction device is well known in the art and its use would have been obvious to one of ordinary skill in the art absent a showing of unexpected results.

### ***Conclusion***

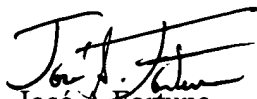
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in the art of “Non-contact transferring systems.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
José A Fortuna  
Primary Examiner  
Art Unit 1731

JAF